

REMARKS/ARGUMENTS

This is a full and timely response to the Office Action dated August 11, 2009. Prior to the issuance of the present Office Action, Claims 1, 2, 8-14, 20-22, 26-36 and 38-53 were pending. In the present response, Claims 8-14, 21, 22, 26-27, 29-31, 34-36 and 41-53 have been canceled. It is respectfully submitted that currently pending Claims 1, 2, 20, 28, 32, 33, and 38-40 are patentable over the cited art. As such, Applicants respectfully request reconsideration and allowance of the present claims in light of the following remarks.

In the present Office Action, the Examiner has asserted that Claims 1, 13, 20, and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Prosow [DE 19847834 A1]. Claims 2, 8-11, 14, 32, 33, 40, 42, and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Prosow. Additionally, Claims 21, 26-31, 35, 36, and 44-53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Prosow in view of Sanko [JP 2002-125721].

In response to the present Office Action, the Applicants have amended the claims as follows. Claim 20 has been amended to include the characteristic features of Claims 21 and 22, and as noted above, Claims 21 and 22 have been cancelled. Claim 28 has been amended to include the characteristic features of Claims 29 and 30, and Claims 29 and 30 have been cancelled. Claims 32 and 40 have also been amended to include the characteristic features of Claims 34 and 41. Claims 34 and 41 have been cancelled. These amendments do not include any new matter.

Allowable Subject Matter

The Applicants note with appreciation that the Examiner has allowed Claims 38 and 39. The Applicants also note that the Examiner has indicated that Claims 34 and 41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the present response, the Applicants have amended independent Claims 32 and 40 to include the characteristic features of Claims 34 and 41, respectively, according to the Examiner's suggestion, and Claims 34 and 41 have been cancelled in the present response. The Applicants respectfully request allowance of amended Claims 32 and 40.

Claim Rejections

Independent Claim 1

Amended Claim 1 recites the feature of a fastener having a tape to be secured to a securement subject wherein a radio IC chip is attached at a position of the tape to be covered with the securement subject. Here, the position of the tape to be covered with the securement subject is not specified and the position of the radio IC chip can be changed depending on the type of fastener tape and on where the tape is attached to the securement subject. Amended Claim 1 specifies that the position to which the radio IC chip is attached is concealed by being covered with the securement subject, and consequently the position cannot be seen from outside. The Office Action cites Prosow against this claim.

Prosow discloses, especially in Figures 1 and 2 and the abstract, a semiconductor chip (15) attached between the element ends of the upper end and the lower end of an end stop of a slide fastener. With the Prosow invention, the position to which the semiconductor chip is attached *is not covered* by a securement subject when the slide fastener is attached to the securement subject. Accordingly, the semiconductor chip (15) is exposed to outside. Therefore, Prosow's invention does not disclose or suggest the invention recited in amended Claim 1. Accordingly, the Applicants respectfully request the Examiner to withdraw this rejection.

Independent Claim 20

Amended Claim 20 recites a feature where the end stop of the slide fastener is provided with a hole portion in which the identification medium as a radio IC chip can be detachably incorporated, and the radio IC chip is attached to the hole portion detachably. As noted above, the Applicants have amended Claim 20 to include the features of Claims 21 and 22. The Applicants note that the Examiner has acknowledged that Prosow does not disclose all of the features from Claim 21. (*See* Office Action at p. 5).

Sanko (JP2002-125721) discloses a feature where a radio IC chip is incorporated in the pull tab of a slide fastener. Accordingly, the radio IC chip cannot be detached from the pull tab.

The Applicants respectfully submit that the present invention claimed in Claim 20 is therefore patentably distinct from Sanko's invention. Further, it is impossible to combine Sanko with Prosow and even if doing so, the combined invention will not achieve the invention claimed in Claim 20.

Independent Claim 28

Amended Claim 28 recites a feature of a slide fastener having a fastener tape to be secured to a securement subject, wherein an identification medium as a radio IC chip is attached to a slider detachably. The Office Action cites Prosow and Sanko against Claim 28. Prosow and Sanko do not disclose or suggest the concept of a radio IC chip that is attached to a slider detachably. Therefore, the invention claimed in Claim 28 is patentable over Prosow and Sanko.

Independent Claims 32 and 40

As noted above, the Applicants have amended independent Claims 32 and 40 so as to include the characteristic features of objected to Claims 34 and 41, respectively. The Applicants respectfully submit that these claims are allowable and request the Examiner to withdraw the rejection.

Dependent Claims

The patentability of the independent claims has been argued as set forth above and thus the Applicants will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, the Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of the dependent claims at a later date if necessary.

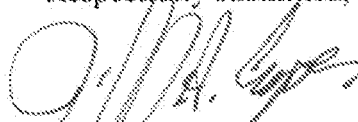
Appl. No.: 10/568,566
Amdt. dated November 11, 2009
Reply to Office Action of August 11, 2009

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed August 11, 2009. The foregoing amendments to the claims, when taken in conjunction with the appended remarks, are believed to have placed the present application in condition for allowance, and such action is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Jeffrey A. Cooper
Registration No. 54,757

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON November 11, 2009.